

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

ALLSOP, INC., a Washington corporation,

Plaintiff,

v.

QVC, INC., a Delaware corporation,

Defendant.

Civil Action No.

COMPLAINT FOR PATENT
INFRINGEMENT

JURY TRIAL REQUESTED

Plaintiff Allsop, Inc. (“Allsop”) alleges the following causes of action against Defendant QVC, Inc. (“QVC”).

I. PARTIES

1. Plaintiff Allsop, Inc. is a corporation of the State of Washington, having a business address of 909 Squalicum Way, #111, Bellingham, Washington 98225.

2. On information and belief, QVC is a Delaware corporation having a principal business address at 1200 Wilson Drive, West Chester, Pennsylvania 19380. The registered agent for QVC is listed as: Corporation Service Company of Dauphin County, 2595 Interstate Dr. #103, Harrisburg, PA 17110.

II. JURISDICTION AND VENUE

3. This civil action arises under the patent laws of the United States, 35 U.S.C. §§ 271, *et seq.* This Court has jurisdiction under 28 U.S.C. §§ 1331 and 1332.

4. QVC has offered for sale or sold collapsible hanging solar LED lanterns in various sizes and shapes that include a solar cell, battery, and light in the United States, conducting such acts from its headquarters located in the Eastern District of Pennsylvania. QVC sells its lanterns directly (as well as via related companies, distributors, and retailers) to customers nationally, including in this district.

5. Venue with respect to QVC is proper in this district pursuant to 28 U.S.C. § 1391(b)(1) as well as under 28 U.S.C. § 1400(b) because QVC resides in the Eastern District of Pennsylvania within the meaning of 28 U.S.C. § 1391(c). QVC is doing business in this district, and has committed acts of infringement within this judicial district.

III. ALLSOP'S PATENTED PRODUCTS

6. Allsop has designed, engineered, developed, licensed, or manufactured a wide variety of consumer products under its Allsop® brand, including a variety of solar powered collapsible decorative lanterns referred to as "Collapsible Lantern" products.

7. Allsop's Collapsible Lantern products are offered and sold in a wide variety of colors and shapes, and include (for example) the Soji Original solar lanterns shown below:



8. Allsop's Collapsible Lanterns have enjoyed commercial success, and have been sold throughout the United States and elsewhere.

9. Allsop is also the owner of United States Patent No. 7513638 ("638 Patent") issued on April 7, 2009 and entitled "Solar-Powered Collapsible Lighting Apparatus."

10. Allsop is also the owner of United States Patent No. 8192044 ("044 Patent") issued on June 5, 2012 and entitled "Solar-Powered Collapsible Lighting Apparatus."

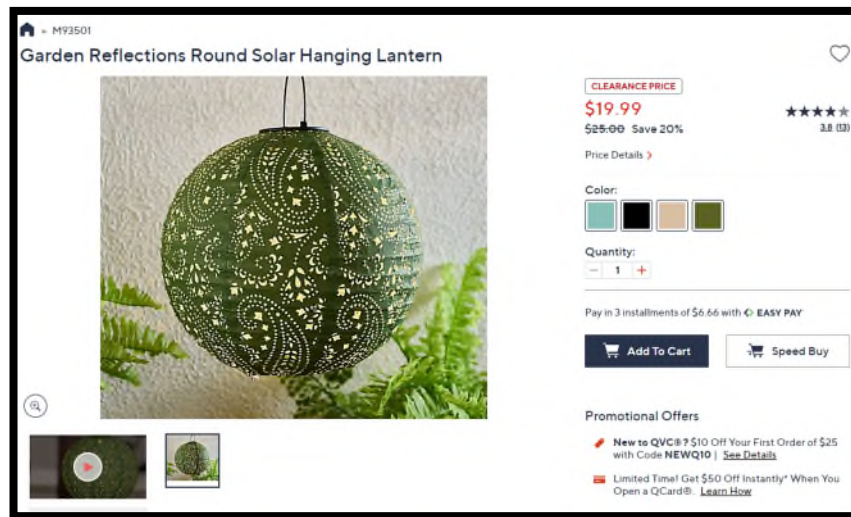
11. Allsop is the owner of United States Patent No. 8657461 ("461 Patent") issued on February 25, 2014, and entitled "Solar-Powered Collapsible Lighting Apparatus."

12. Allsop has marked its Collapsible Lanterns with patent numbers.

IV. QVC'S WRONGFUL CONDUCT

13. QVC has made, imported, offered for sale, and/or sold Collapsible Lantern products that infringe Allsop's patent rights. The QVC products are structurally and/or functionally identical to those made and sold by Allsop, and within the scope of one or more claims of the 628, 044 and/or 461 Patents.

14. For example, QVC has offered for sale and sold the "Garden Reflections Round Solar Hanging Lantern" as shown in the image below via its interactive online storefront:



<https://www.qvc.com/garden-reflections-round-solar-hanging-lantern.product.M93501.html>.

Discovery may reveal other models that also infringe the asserted patents.

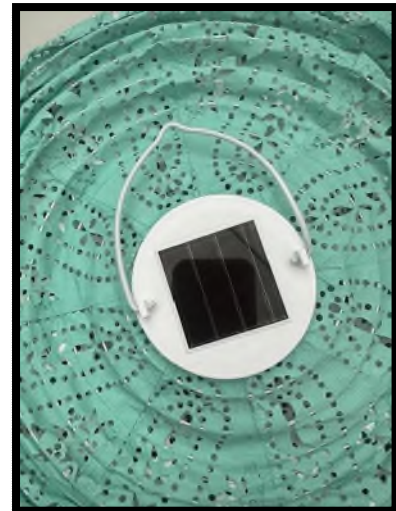
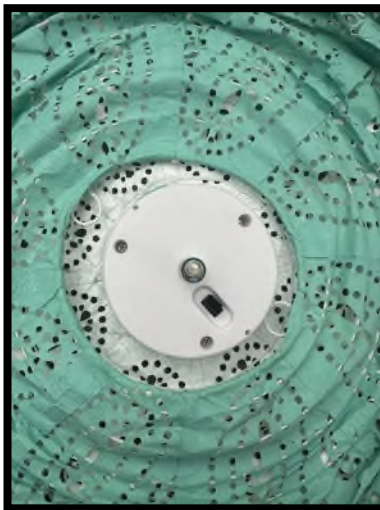
15. The QVC Collapsible Lanterns include a lighting element assembly having a lighting element (in this case an LED), a solar cell, and a battery unit. This is confirmed, *inter alia*, via the product description provided by QVC as follows:

Description

During the day, this hanging lantern makes a lovely decoration with its punctuated patterns. After the sun sets, you'll find another reason to love it – the solar powered design gives off an enchanting glow. From Garden Reflections.

- Includes paper-style lantern, wire hanger, and solar panel with rechargeable battery
- Three lumen single LED light bulb
- Weather- and fade-resistant
- Hook is corrosion-resistant
- Comes flat packed
- Measures 11-3/4"Diam
- Imported

16. This is further confirmed via the product images showing the LED lighting element visible looking upwards into the shade from the bottom and the solar cell looking downwards from the top:



19. QVC has known that its Collapsible Lanterns infringe the Allsop patent. QVC was previously notified in writing of Allsop's patent rights at least in letter dates March 14, 2007, February 4, 2011, March 10, 2011, and May 6, 2024. Despite notice to QVC and follow-up correspondence thereafter, QVC has continued to sell its infringing Collapsible Lanterns with full knowledge of the patent and in reckless disregard of the infringement.

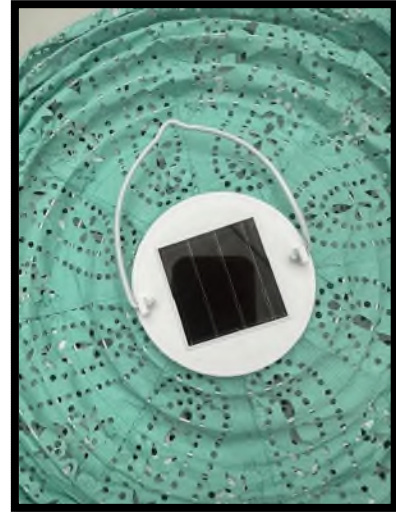
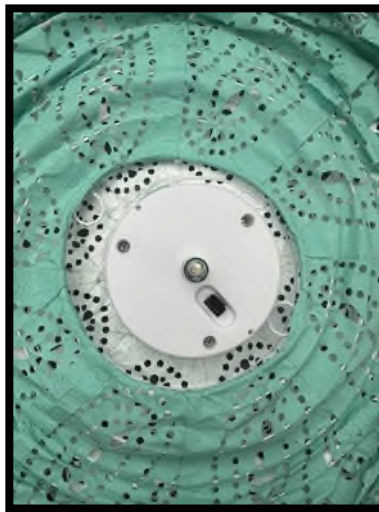
Count I: Patent Infringement of U.S. Patent No. 7513638

21. Allsop is the owner of United States Patent No. 7513638, has sold products embodying the claimed invention, and has marked its products with the 638 patent number.

22. QVC has made, used, imported, offered for sale, and/or sold Collapsible Lantern products that infringe Allsop's 683 Patent. See, for example, the "Garden Reflections Round Solar Hanging Lantern" shown in the image to the right.



23. With respect to exemplary claim 1, the QVC Collapsible Lantern includes a lighting element assembly having a lighting element (in this case an LED), a solar cell, and a battery unit. This is confirmed via the above-quoted product description provided by QVC, and further by the product images showing the LED lighting element visible looking upwards into the shade from the bottom and the solar cell looking downwards from the top:



24. The QVC Collapsible Lantern further includes a collapsible shade, such as shown in the images above showing the shade of the Collapsible Lantern in the collapsed position. The shade includes a frame defining the shape, in which the frame is visible in the collapsed shade as circular or spiral ribs.

1 25. These images confirm that the QVC Collapsible Lantern further includes a support
2 unit having a top portion housing the solar cell and battery unit, a bottom portion positioned within
3 or proximate to the bottom opening, and a connecting device that connects the top and bottom
4 portions of the support unit, wherein the top portion is positioned within and at least partially below
5 the top opening and the lighting element assembly is positioned within the collapsible shade in
6 both its collapsed and deployed states.

7 26. QVC has not been granted any license or authority from Allsop.

8 27. QVC's above activities with respect to the accused Collapsible Lanterns constitute
9 direct infringement of the 638 Patent.

10 28. As a direct result of the infringing activity by QVC, Allsop has suffered, and will
11 continue to suffer, damages in an amount to be established at trial. In addition, Allsop has suffered,
12 and continues to suffer, irreparable harm for which there is no adequate remedy at law.

13 29. Allsop is entitled to and therefore demands damages, costs, and attorney's fees as
14 allowable under 35 U.S.C. §§ 284 and 285, including a trebling of any award.

15 30. The infringement by QVC was with full knowledge of the Allsop patent, and has
16 continued despite that knowledge. QVC's infringement is in willful disregard of Allsop's patent
17 rights.

18 31. This is an exceptional case for purposes of awarding monetary damages, costs and
19 attorney's fees.

20 **Count II: Patent Infringement of U.S. Patent No. 8192044**

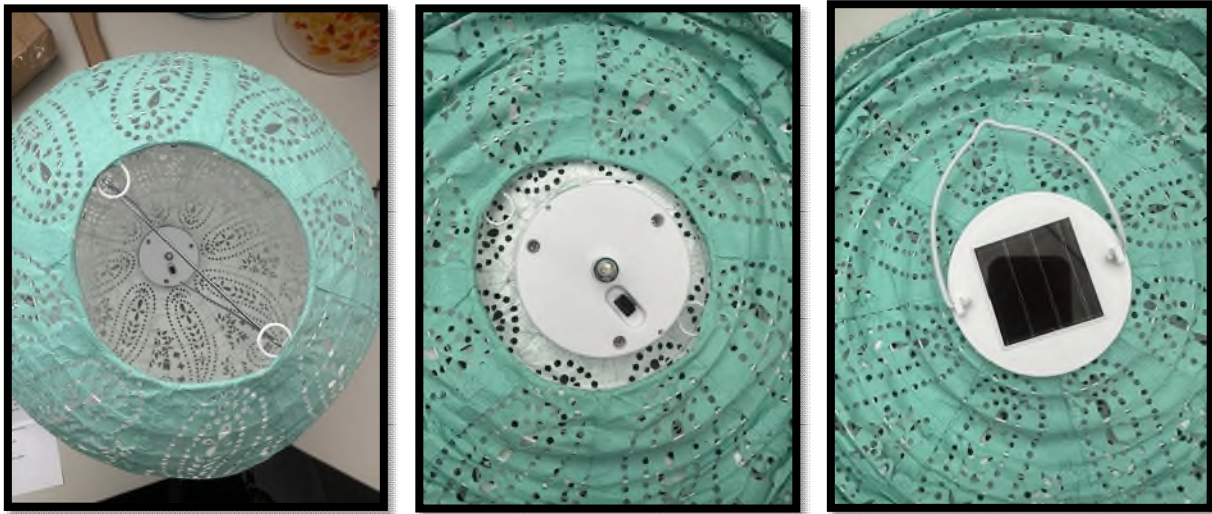
21 32. Allsop realleges the preceding paragraphs of this complaint.

22 33. Allsop is the owner of United States Patent No. 8192044, has sold products
23 embodying the claimed invention, and has marked its products with the 044 patent number.

34. QVC has made, used, imported, offered for sale, and/or sold Collapsible Lantern products that infringe Allsop's 044 Patent. See, for example, the "Garden Reflections Round Solar Hanging Lantern" shown in the image to the right.



35. With respect to either exemplary claim 1 or 12, the QVC Collapsible Lantern includes a lighting element assembly having a lighting element (in this case an LED), a solar cell, and a battery unit. This is confirmed via the above-quoted product description provided by QVC, and further by the product images showing the LED lighting element visible looking upwards into the shade from the bottom and the solar cell looking downwards from the top:



36. These images confirm that the QVC Collapsible Lantern further includes a housing having a recess for receiving the solar cell, a compartment for receiving the battery unit, an opening through which the lighting element protrudes and an upper section separably secured to a lower section, and a housing having two sections separably secured together, the housing having portions for receiving the solar cell a battery, and an attachment for the lighting element.

1 37. These images confirm that the QVC Collapsible Lantern further includes a light-
2 transmissible, fabric, collapsible shade having an upper portion defining an opening, the upper
3 portion clamped between the upper section and lower section of the housing, and a light-
4 transmissible collapsible shade assembly having an upper portion defining an opening, the upper
5 portion clamped directly between the two sections of the housing.

6 38. QVC has not been granted any license or authority from Allsop.

7 39. QVC's above activities with respect to the accused Collapsible Lanterns constitute
8 direct infringement of the 044 Patent.

9 40. As a direct result of the infringing activity by QVC, Allsop has suffered, and will
10 continue to suffer, damages in an amount to be established at trial. In addition, Allsop has suffered,
11 and continues to suffer, irreparable harm for which there is no adequate remedy at law.

12 41. Allsop is entitled to and therefore demands damages, costs, and attorney's fees as
13 allowable under 35 U.S.C. §§ 284 and 285, including a trebling of any award.

14 42. The infringement by QVC was with full knowledge of the Allsop patent, and has
15 continued despite that knowledge. QVC's infringement is in willful disregard of Allsop's patent
16 rights.

17 43. This is an exceptional case for purposes of awarding monetary damages, costs and
18 attorney's fees.

19 **Count III: Patent Infringement of U.S. Patent No. 8657461**

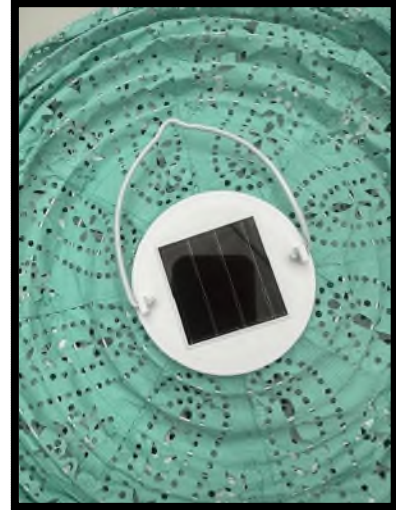
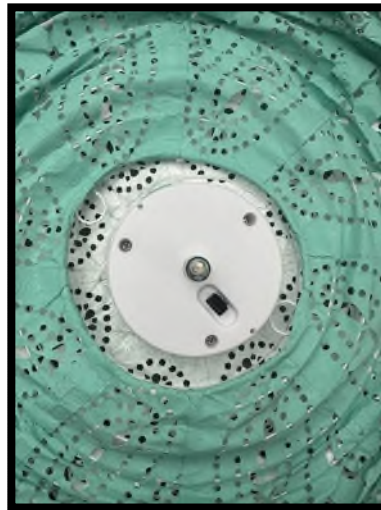
20 44. Allsop realleges the preceding paragraphs of this complaint.

21 45. Allsop is the owner of United States Patent No. 8657461, has sold products
22 embodying the claimed invention, and has marked its products with the 461 patent number.

46. QVC has made, used, imported, offered for sale, and/or sold Collapsible Lantern products that infringe Allsop's 461 Patent. See, for example, the "Garden Reflections Round Solar Hanging Lantern" shown in the image to the right.



47. With respect to exemplary claims 1, 16, 17 and/or 20, the QVC Collapsible Lantern includes a lighting element assembly having a lighting element (in this case an LED), a solar cell and a battery unit. This is confirmed via the above-quoted product description provided by QVC, and further by the product images showing the LED lighting element visible looking upwards into the shade from the bottom and the solar cell looking downwards from the top:



1. These images confirm that the QVC Collapsible Lantern further includes a collapsible shade, such as shown in the images above showing the shade of the Collapsible Lantern in the collapsed position. The shade includes a frame defining the shape, in which the frame is visible in the collapsed shade as circular or spiral ribs.

2. These images confirm that the QVC Collapsible Lantern further includes a support unit or housing having a top portion housing the solar cell and battery unit, a bottom portion positioned within or proximate to the bottom opening, and a connecting device that connects the top and bottom portions of the support unit, wherein the top portion is secured to the top opening when the collapsible shade is in both its collapsed and deployed states, and at least a portion of the lighting element assembly is positioned below the top opening when the collapsible shade is in both its collapsed and deployed states.

3. QVC has not been granted any license or authority from Allsop.

4. QVC's above activities with respect to the accused Collapsible Lanterns constitute direct infringement of the 461 Patent.

5. As a direct result of the infringing activity by QVC, Allsop has suffered, and will continue to suffer, damages in an amount to be established at trial. In addition, Allsop has suffered, and continues to suffer, irreparable harm for which there is no adequate remedy at law.

6. Allsop is entitled to and therefore demands damages, costs, and attorney's fees as allowable under 35 U.S.C. §§ 284 and 285, including a trebling of any award.

7. The infringement by QVC was with full knowledge of the Allsop patent, and has continued despite that knowledge. QVC's infringement is in willful disregard of Allsop's patent rights.

8. This is an exceptional case for purposes of awarding monetary damages, costs and attorney's fees.

VI. PRAYER FOR RELIEF

Allsop requests the following alternative and cumulative relief:

A. Judgment that QVC has infringed United States Patent Nos. 7513638, 8192044 and/or 8657461.

D. That the damages award be trebled pursuant to 35 U.S.C. § 284;

F. That Allsop be awarded prejudgment interest, post-judgment interest, and costs;

G. That QVC, its respective agents, servants, employees, attorneys, and all other persons in active concert or in participation with it, be ordered to produce all accused products for destruction and to file and serve a report in writing under oath setting forth in detail the manner and form in which QVC has complied with this requirement; and

H. For other and further relief as is provided by law and that this Court deems just and proper.

Allsop requests a jury trial.

1 RESPECTFULLY SUBMITTED June 10, 2024

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